

49 24.11.2023
NB Ct. 14

WPA 23163 of 2023

Sushil Ch. Naskar & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.
...for the petitioners.

Mr. Suman Ghosh.
...for the State.

Mr. Shiv Mangal Singh,
Ms. Jahar Ara Kulsum.
...for the respondent nos.4 to5.

Affidavit of service filed on behalf of the petitioners is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the aged parents of the respondent no.4. The respondent no.5 is the daughter in law. They are the owners of the property in question. The private respondents only stay there in a portion of the property. For some time, the private respondents had been disturbing the peaceful possession of the petitioners. They had been torturing the petitioners. On a few occasions, they even assaulted them. Finally, the private respondents drove them out of their own residence. This was brought to the notice of the police, but no effective action was taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the

writ petition are denied. The private respondents have never committed any torture upon the petitioners. In fact, they had undertaken some construction work in the property to which the private respondents had no objection.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. On the complaint of the petitioner, a specific FIR being Maheshtala PS Case No.464 of 2022 dated 12.09.2022 has being initiated and a charge sheet has been submitted dated 31.01.2023 under Sections 323, 448, 506 and 34 of the Penal Code and Section 24 of the Senior Citizen Act.

Admittedly, the petitioner no.1 is the owner of the property in question. Therefore, he and his wife would have every right to return to such property.

The private respondents would be staying at such property belonging to the petitioner no.1 as licensees.

At this advanced age, the petitioners should not be relegated to the Civil Court to obtain necessary relief.

Let the petitioners intimate the exact date and time of intended return to their residence to the Officer-in-Charge of the Maheshtala Police Station with a 24 hours' notice. Thereafter, the police authorities shall arrange for necessary police escort so that the petitioners can return in their own residence.

The entry of the petitioners to their own residence shall be videographed.

Even, otherwise, the respondent police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

If any untoward incident occurs or is apprehended by the petitioners, they shall be at liberty to immediately inform the same to the Officer-in-Charge of the local police station and inform him about the same who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)